

Licensing Committee

Friday, 1 December 2023 at 10.30 am
Phoenix Chambers, Phoenix House, Tiverton

The Licensing Committee meeting will commence at 10.30am and the Regulatory Committee meeting will take place directly after the Licensing meeting (as agreed by the Chairman). If you wish to join online you will need to join the meeting using the link below.

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording will be made and published on the website after the meeting.

[Click here to join the meeting](#)

Meeting ID: 347 784 411 222
Passcode: ENYUGM

Membership

Cllr J Cairney
Cllr A Cuddy
Cllr C Adcock
Cllr D Broom
Cllr F J Colthorpe
Cllr L J Cruwys
Cllr J M Downes
Cllr M Farrell
Cllr J Frost
Cllr L G J Kennedy
Cllr G Westcott

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.

- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)
To consider whether to approve the minutes as a correct record of the meeting held on 30 June 2023.

- 5 **LICENSING UPDATE REPORT** (*Pages 9 - 14*)
To provide the Committee with an update on Licensing Act 2003 activity undertaken by the Licensing Team in the first half of 2023/24.

Stephen Walford
Chief Executive
Thursday, 23 November 2023

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Angie Howell on:

Tel: 01884 234251

E-Mail: ahowell@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 30 June 2023 at 10.30 am

Present Councillors

D Broom, J Cairney, S Chenore,
Mrs F J Colthorpe, L J Cruwys, A Cuddy,
J M Downes, L G J Kennedy, G Westcott,
J Buczkowski, A Glover and F W Letch

Apologies Councillors

C Adcock, M Farrell and J Frost

Also Present Councillor(s)

B Holdman and D Wulff and S Keable (online)

Also Present Officer(s):

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Legal Services Solicitor), Harriet Said (Team Leader (Commercial), Public Health), Alan Drake (Specialist Lead (Licensing)), Dr Stephen Carr (Corporate Performance & Improvement Manager), Angie Howell (Member Services Officer) and Sarah Lees (Member Services Officer)

1 **ELECTION OF CHAIRMAN (00:34)**

RESOLVED that Cllr J Cairney be elected as Chairman of the Licencing Committee for the municipal year 2023/2024.

(Proposed by Cllr L Kennedy and seconded by Cllr F J Colthorpe)

2 **ELECTION OF VICE CHAIRMAN (08:20)**

RESOLVED that Cllr A Cuddy be elected as Vice Chairman of the Licencing Committee for the municipal year 2023/2024.

(Proposed by Cllr J Buczkowski and seconded by Cllr J Downes)

3 **START TIME OF MEETINGS (10:40)**

It was **AGREED** that the start time of meetings for the remainder of the municipal year continued to be at 10.30am.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (11:30)**

Apologies were received from Cllr C Adcock – Cllr J Buczkowski attended as his substitute. Cllr M Farrell – Cllr A Glover attended as his substitute and Cllr J Frost – Cllr F Letch attended as his substitute.

5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (12:12)**

There were no declarations of interest received.

6 **PUBLIC QUESTION TIME (12:31)**

There were no members of the public present and no questions were asked.

7 **MINUTES OF THE PREVIOUS MEETING (13:01)**

The minutes of the 27 October 2022 were **APPROVED** and signed by the Chairman.

8 **SERVICE UPDATE (13:40)**

The Committee had before it, and **NOTED**, the Service Update.

The contents of the report were outlined by the Team Leader, Commercial, Public Health and highlighted the key points referred to as follows:

- Mid Devon had 409 licenced premises under the Licencing Act. The Service had seen an increase of 8.4% in Licence Premises since 2018.
- The Service dealt with applications from just under a quarter of all licence premises within the past year – which would include major or minor variations.
- Temporary Event Notices (TEN) – these were issued by the event organiser to notify the Council that they were intending to have an event. Objections could only be received from the Police or Environmental Health. A total of 295 TENS were received with alcohol and 10 without alcohol. The maximum amount of attendees currently allowed to attend an event were 499.
- Routine inspections were carried out within some of the licenced premises. This was done by applying a risk rating (looking at for example, operating hours, location and past compliance) to identify premises which were then prioritised.
- Regarding the speed of processing and determining applications, the Council had met the requirements in all cases.
- Regarding Enforcement and Hearings, the Council had seen one application referred to a Sub-Committee. This had related to Smeathorpe Stadium where a premises licence for the retail sale of alcohol had been applied for. This was granted with a number of conditions applied to the licence.
- Officers worked closely with applicants and interested parties as a mediation service to prevent some hearings coming to the Sub-Committee.
- Where annual fees were not paid the team were working to recover annual fees. To date this work had been going on for over the last 6 months. So far the Service had received £16,000 of income from unpaid fees.
- Legislative and Policy Updates – the Statement of Licence Policy would be reviewed in the Autumn this year with an adoption date in 2024.
- The Levelling up and Regeneration Bill was currently in the final stage in the House of Lords. This would extend the pavement licencing regime for furniture

being permitted outside. Pavement furniture had originally been introduced during Covid to enable businesses to continue to trade under Covid restrictions in place at the time.

Cllr J Downes left the meeting at 11.05am.

Consideration was given to

- The use of the word “suspended” in the table at paragraph 2.1.1 of the report. This resulted from a failure to pay fees or follow the compliance process and the Service had no means of tracing the licensees.
- TENS and the need to tighten up the policy when it was reviewed and to take into consideration that at the moment it was possible to use multiple TENS over a large area of land by defining plots within it.
- The obstruction of pavements and the effect upon people with sight problems when café’s place tables and chairs outside.

Note: * Report previously circulated.

(The meeting end at 11.25am)

CHAIRMAN

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2.0 Service Delivery

2.1 Contextual data

2.1.1 The Licensing Team is responsible for issuing a range of premises licences and personal licences under the Licensing Act 2003, this is broken down as below:

Type of Licence	Total active	Issued quarter 1&2 2023/24	Surrendered or suspended
<i>Personal Licence</i>	1409	29 (new or amendments)	11 (all)
<i>Premises With alcohol</i>	307	35 (new or amended)	2 surrendered 0 suspensions (in qrt 1 & 2)
<i>Premises with no alcohol</i>	62	2 (amended)	0
<i>Club premises with alcohol</i>	37	3	0

2.1.2 Mid Devon currently has 406 premises licensed under the Licensing Act 2003. The Licensing Service dealt with applications from 10% of the licensed premises within the District in the first half of the year, this will include minor and full variations.

2.1.3 A Temporary Event Notice (TEN) is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

2.1.4 The number of Temporary Event Notices (TEN) issued within the last financial year:

Temporary Notices	Event	Standard TEN Qrt 1 & 2	Late TEN Qrt 1 & 2
With alcohol		225 (6 amended)	36
No alcohol		11	1

2.1.5 We receive a large number of TENS, so far this year we have received 75% of the total number received for the whole of 2022/2023. Whilst we normally see an increase during the summer months, it is anticipated that overall we will have an increase in numbers of TENS submitted for this year.

2.1.6 Discussions have started with the organisers of the Mid Devon Show, who are looking at the option to apply for a premises licence for the site. The event has multiple alcohol vendors all of whom currently submit TENS for the same piece of land. In addition, the event offers live music for attendees, which is a licensable activity. A premises licence would enable conditions to be discussed

and agreed with the event organisers focused on the licensing objectives. This would also remove the need for vendors to submit TENs which account for approximately 15% of the TENs received by the Council.

2.1.7 Mid Devon has the following licences under the Gambling Act 2005:

Type of permit/Licence	Number active within District
Adult Gaming centres	2
Betting premises	4
Gaming machine permit	2
Club gaming permit	2
Club machine permit	4
Licensed premises gaming permit	5
Gambling machine notifications	72
Small society lotteries	70

2.2 Inspections

2.2.1 The Licensing Officers have conducted 15 licensed premises inspections with a purpose of determining if the premises are compliant with licence conditions. An inspection may be initiated as a result of a complaint, or by using a risk rating that is applied to premises to identify those that are a priority for inspection.

2.2.2 Four of these inspections were carried out jointly with Devon and Cornwall Police, where information and intelligence suggested that there was a non-compliance with licence conditions and that a multi-agency approach was more appropriate.

2.3 Speed of processing and determination of applications

2.3.1 The Licensing Service ensures effective consultation on all applications received and is focused on determining applications within the legislative deadlines. All applications were determined within the deadlines over the period.

3.0 Enforcement and Hearings

3.1 Hearings

3.1.1 There has been one application considered during the first half of 2023/24 by the Licencing Sub-committee. This was an application to review the premises licence of Belluno, Newton St Cyres made by the Home Office, Immigration Enforcement. The applicant sought the outcome of licence revocation.

3.1.2 The hearing outcome was the removal of the DPS and a period of suspension for a weekend of the licence holder's choice during October 2023.

3.1.3 A new DPS is now in place at the premises. The suspension took place covering 20th October till 23rd October 2023.

3.2 Enforcement

3.2.1 Outside of the hearing outcome described at 3.1.2, no further formal enforcement action was recorded during the first half of 2023/24. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally.

4.0 Legislative and Policy updates

4.1 Review of Statement of Licensing Policy

4.1.1 The Act requires that licensing authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. Licensing authorities are required to review their statements of Licensing Policy every 5 years.

4.1.2 The 5th review of the Council's Statement of Licensing Policy has been initiated and will be completed by January 2024, with a view to consultation and ready for adoption in 2024/25.

4.2 Changes to the late-night levy

4.2.1 Following a consultation, the Government has now commenced a number of changes to the late-night levy. For example, licensing authorities can now target the levy in smaller geographical areas, rather than having to implement it across the entirety of their area. [Guidance has been produced to support councils with the levy.](#)

4.3 Pavement licensing

4.3.1 The [Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023](#) has come into force extending pavement licence renewal dates to 30th September 2024.

4.3.2 Under the Business and Planning Act 2020 (2020 Act), a pavement licence may specify an expiry date, which may not be later than the date specified in section 4(2)(b). If a pavement licence does not specify an expiry date, the licence expires on the date specified in section 4(1)(b). If a pavement licence is deemed to be granted under section 3(9) (where the local authority has failed to determine an application), that pavement licence expires after a year, or if earlier on the date specified in section 4(4).

4.3.3 Prior to these Regulations, the date specified in each of those subsections was 30th September 2023. Regulation 5 extends the dates by twelve months, to 30th September 2024.

4.3.4 Regulation 6 extends the expiry of sections 1-9 of the 2020 Act generally, also to 30th September 2024.

4.3.5 The Council has issued two pavement licences under the 2020 Act which expire in September 2024.

4.4 Extension of temporary relaxation of rules around off-sales

- 4.4.1 The guidance relating to the alcohol licensing provisions in the 2020 Act has been updated to reflect the fact that temporary off-sales permission has been extended to 31 March 2025.
- 4.4.2 The Government have now published [The Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2023](#) to extend the alcohol licensing regulatory easements relating to off-sales until 31 March 2025.
- 4.4.3 Regulation 2 extends the application of the modifications for a period of 18 months, from 30 September 2023 to 31 March 2025.
- 4.4.4 These Regulations come into force on 28th September 2023 and extend to England and Wales only.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. The income from the licences is used to offset the running of the Service. The Service is not self-funding as the Licensing Act 2003 and Gambling Act 2005 fees are set at a national level and have not been increased for many years therefore do not fully cover costs. Where possible the fee income is used to reduce the contribution of the general fund to the running of the Service.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the Licensing Service is a statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a Service that did not meet licensing standards.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 14 November 2023

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 14 November 2023

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 13 November 2023

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 16/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options
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Name: Tanya Wenham - Operations Manager for Public Health and Housing Options
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Background papers: None